

2003 DRAFTING REQUEST

Bill

Received: **08/06/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Garey Bies (608) 266-5350**

By/Representing: **Andrew**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Tax - property**
Tax - sales

Extra Copies: **JK**

Submit via email: **YES**

Requester's email: **Rep.Bies@legis.state.wi.us**

Carbon copy (CC:) to: **joseph.kreye@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Distribution of proceeds from the sale of property acquired by county tax deed

Instructions:

See attached. County must return excess proceeds to former owner of property acquired by county tax deed.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							Local
/1	mshovers 08/06/2003	kgilfoy 08/14/2003	rschluet 08/15/2003		lemery 08/15/2003	lemery 08/20/2003	

FE Sent For:

*at
intro:*

<END>

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08/15/2003 08:39:49 AM

Page 2

FE Sent For:

<END>

08/06/2003 11:56:51 AM

Page 1

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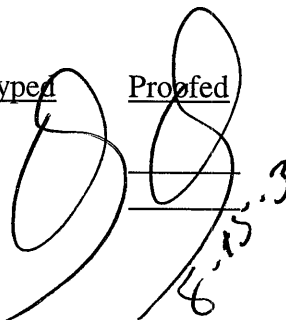
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1?
8/6/03

mshovers

1-8/14
King

<END>

FE Sent For:

Rep Bies - Andrew 6-5350

Am; 75.36 (2m) -

cmty must return excess

proceeds - - now, owner must
request ^{excess} proceeds



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3075/1

MES... King
RMR

2003 BILL

gen

- 1 AN ACT ...; relating to: the distribution of proceeds from the sale of certain property
2 acquired by county tax deed.

Analysis by the Legislative Reference Bureau

Under current law, if a person does not pay the tax that is due on the person's real property before September 1, the county treasurer must issue a tax certificate to the county that relates to the property. The issuance of a tax certificate begins the redemption period during which the person may retain the person's property by paying the delinquent taxes. In most cases, the redemption period is two years. If the property owner does not pay the delinquent taxes before the redemption period expires, the county may acquire the property by taking a tax deed on the property, by commencing an action to foreclose the tax certificate, or by commencing an action to foreclose a tax lien on the property.

Also under current law, if a county acquires real property that was the former owner's homestead at any time during the ^{five} years previous to the county acquiring the property by taking a tax deed, the county must send written notice to the former owner that the former owner may be entitled to a share of the proceeds of a future sale of the property. To be eligible to receive a share of the proceeds, current law requires the former owner to submit a written request for payment of the proceeds within 60 days after receiving the county's written notice. If the former owner fails to send in the required request for payment within the specified period of time, the former owner forfeits all claim to those proceeds.

Under this bill, the county is required to send to the former owner the share of the proceeds to which the former owner is entitled.

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 75.36 (2m) (intro.) of the statutes is amended to read:

75.36 (2m) NOTICE; PROCEEDS. (intro.) Upon acquisition of a tax deed under this chapter if sub. (4) applies, the county treasurer shall notify the former owner, by registered mail or certified mail sent to the former owner's mailing address on the tax bill, that the former owner may be entitled to a share of the proceeds of a future sale. ~~If the former owner does not request, in writing, payment within 60 days after receipt of that notice, the former owner forfeits all claim to those proceeds. If the former owner timely requests payment, the~~ The county shall send to the former owner the proceeds identified in sub. (3) (c) minus any delinquent taxes, interest and penalties owed by the former owner to the county in regard to other property and minus the greater of the following amounts:

History: 1987 a. 378 ss. 120, 122; 1989 a. 104; 1997 a. 72, 224; 1999 a. 150 s. 672; 2001 a. 30 s. 108.

SECTION 2. Initial applicability.

(1) This act first applies to real property, the tax deed for which is issued on the effective date of this subsection.

(END)

Emery, Lynn

From: Nowlan, Andrew
Sent: Wednesday, August 20, 2003 9:24 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3075/1 Topic: Distribution of proceeds from the sale of property acquired by county tax deed

It has been requested by <Nowlan, Andrew> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3075/1 Topic: Distribution of proceeds from the sale of property acquired by county tax deed